



## MIGUEL ESTRADA: AN AMERICAN SUCCESS STORY

On May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit. Mr. Estrada would be the first Hispanic in history to sit on that court, which is widely viewed as the most important and prestigious Court of Appeals in the nation. No wonder Elizabeth Lisboa-Farrow, Chair of the U.S. Hispanic Chamber of Commerce, concludes that *“Estrada’s nomination is therefore a historic event and represents one more important step in the breaking down of barriers that in the past made it difficult, if not impossible, for Hispanic lawyers to become judges.”*

Mr. Estrada is unique in another respect, too. As his colleagues can attest, both conservatives and liberals alike, Mr. Estrada is one of the most brilliant and effective appellate lawyers in the country. Having worked at the Justice Department under Republican and Democratic Administrations, he has demonstrated a commitment to upholding the integrity of the law and a dedication to public service. During his career, he has argued fifteen cases before the Supreme Court—all before reaching the age of 40. He richly deserves the unanimous “well qualified” rating the American Bar Association bestowed on him—the organization’s highest possible evaluation.

But Miguel Estrada is more than just a talented lawyer. He is an American success story. A native of Honduras, Mr. Estrada arrived in the United States at age 17, unable to speak much English. Just five years later he had graduated from Columbia University, and five years after that he was clerking for a Justice of the United States Supreme Court. Mr. Estrada’s own journey from immigrant to successful attorney has inspired him to devote much of his career to serving his fellow Americans. Both in government service and in private practice, he has sought to ensure that all citizens receive the law’s fullest protections and benefits, whether they are death-row inmates, abortion clinics targeted by violent protestors, or inner-city residents victimized by gang violence.

### **Background and Distinguished Career**

Born in Tegucigalpa, Honduras, Miguel A. Estrada immigrated to the United States with his mother at age 17. Speaking very little English, he worked hard to adapt to a new culture and master a new language. In 1983, through great determination and perseverance, Mr. Estrada received his bachelor’s degree *magna cum laude* and Phi Beta Kappa from Columbia College in New York City. He went on to receive his law degree *magna cum laude* in 1986 from Harvard Law School, where he was an editor of the *Harvard Law Review*. This sort of exceptional academic success would be impressive from any student—all the more so from one who learned English as a second language at a late age.

After graduating from law school, Mr. Estrada earned a position as a law clerk to the Judge Amalya L. Kearse, a highly regarded and influential judge on the U.S. Court of Appeals for the Second Circuit. He later was picked by Supreme Court Justice Anthony Kennedy for a clerkship. Supreme Court clerkships are among the most prestigious and competitive positions a young lawyer can obtain, and Mr. Estrada is one of only a few Hispanics ever to serve as a law clerk on the Supreme Court. A clerkship by itself is always an honor, and even more impressive was the command of the law and ability to comprehend complicated legal issues which Mr. Estrada demonstrated so early in his career.

After his Supreme Court clerkship, Mr. Estrada worked as an associate at Wachtell, Lipton, Rosen & Katz, one of the most prestigious law firms in the country. But after a year in private practice, Mr. Estrada decided to return to public service. From 1990 to 1992, he served as an Assistant U.S. Attorney and Deputy Chief of the Appellate Section in the Southern District of New York. While a federal prosecutor in the U.S. Attorney's Office, Mr. Estrada demonstrated his commitment to enforcing the law and keeping our streets safe by representing the federal government in numerous criminal trials. He also gained valuable experience by arguing several appeals before the U.S. Court of Appeals for the Second Circuit. In late 1992, Mr. Estrada joined the United States Department of Justice as an Assistant to the Solicitor General. Mr. Estrada accumulated extensive experience representing the United States by writing briefs and arguing fourteen cases before the Supreme Court. After President Clinton was inaugurated in 1993, Mr. Estrada continued to serve in the Solicitor General's office, where he remained until 1997. Mr. Estrada's service to the Clinton Administration proves that, whatever his personal or political views may happen to be, he respects the law and will follow it faithfully. As a result of his government service, both Republicans and Democrats praise him for his honesty, intellect, and remarkable record of achievement as a lawyer.

Mr. Estrada currently is a partner in the D.C. office of Gibson, Dunn & Crutcher, a distinguished international law firm, where he works in the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group. Mr. Estrada's responsibilities at his law firm, which include representing clients in complex civil and criminal cases at all stages of litigation, have not prevented him from continuing to perform significant *pro bono* public service work, representing a death-row defendant in a difficult capital murder case before the Supreme Court, and defending Chicago's and Annapolis's anti-gang laws.

### **Broad Support for Miguel Estrada's Nomination**

Though nominated by a Republican President, Mr. Estrada has received remarkable bipartisan support. Many Democrats who are familiar with his record of accomplishment, and who worked with him during the Clinton Administration, praise his extraordinary intellect and enthusiastically endorse his nomination to the D.C. Circuit. **Robert Litt, who served as Associate Deputy Attorney General in the Criminal Division at the Clinton Justice Department**, describes Mr. Estrada as "an absolutely brilliant lawyer... I have always felt that he was a talented and responsible advocate." In a letter to the Senate Judiciary Committee, Mr. Litt wrote, "I have never felt that the arguments he made were in any way outside the scope of legitimate legal analysis. While I may disagree with some aspects of Mr. Estrada's legal philosophy, I believe that he is eminently qualified to serve on the Court of Appeals, and I hope that he will be confirmed."

**Drew Days III, who served as Solicitor General in the Clinton Administration**, has publicly supported Mr. Estrada, saying, “I think he’s a superb lawyer.” **Randolph Moss, President Clinton’s former Assistant Attorney General in the Office of Legal Counsel**, also praises Mr. Estrada’s qualifications and strongly supports his nomination. “Miguel is widely, and deservedly, regarded as an extraordinary legal talent. He has a near-encyclopedic knowledge of the law, a powerful intellect, and an ability to bring coherence to even the most complicated legal doctrine.” In a letter to the Senate Judiciary Committee, Mr. Moss goes on to say that “Although I am Democrat and Miguel and I do not see eye-to-eye on every issue, I hold Miguel in the highest regard and I urge the Committee to give favorable consideration to his nomination... Miguel is a brilliant, dedicated, and principled lawyer. I firmly believe that Miguel will quickly earn a reputation as one of the finest appellate judges in the Nation.”

**Ronald Klain, who was Vice President Gore’s chief of staff** and has known Mr. Estrada for nearly 20 years, also strongly supports his nomination to the D.C. Circuit. In a letter to the Senate Judiciary Committee, Mr. Klain describes Mr. Estrada as “a person of outstanding character [and] tremendous intellect... [with] outstanding credentials... and [an] incredible record of achievement.” Beyond his obvious qualifications, Mr. Klain supports Mr. Estrada’s nomination for three additional reasons. “First, Miguel is a serious lawyer who takes the law very seriously... I have no doubt that, on the bench, Miguel will faithfully apply the precedents of his court, and the Supreme Court, without regard to his personal views or his political perspectives... Second, Miguel will rule justly toward all, without showing favor to any group or individual... [The] challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need... Third, [he has an] independent streak... [that] will give every litigant, from any point of view, a fair chance to persuade Miguel of the rightness of his or her case... He will ask tough questions of both sides, and give both sides a chance to win... This powerful intellectual quality is not unhinged from a compassion for the people—rather it is harnessed by Miguel in service of that compassion. It is a quality that will make Miguel a very fair judge.”

In addition to the support of many prominent and respected Democrats such as these, Mr. Estrada also has widespread support from the Hispanic community. He is rightly seen as an inspiration to young Hispanic lawyers, and more broadly to a community that has had to overcome racial discrimination and other significant obstacles. No fewer than eighteen Hispanic organizations have publicly announced their support for Mr. Estrada’s nomination, and countless individuals praise the impact he’s had on the community at large.

**The Hispanic National Bar Association**, which represents more than 25,000 Hispanic lawyers in the United States, has enthusiastically endorsed Mr. Estrada’s nomination. The Association’s National President, Rafael A. Santiago, said, “Mr. Estrada’s confirmation will break new ground for Hispanics in the judiciary.” Describing him as “one of the rising stars in the Hispanic community and a role model for our youth,” Rick Dovalina, National President of the **League of United Latin American Citizens (LULAC)**, strongly urged the Senate Judiciary Committee to confirm Mr. Estrada in a timely manner. In addition to noting his outstanding credentials, Mr. Dovalina writes, “His confirmation would also help to address the chronic underrepresentation of Hispanic judges in US circuits” and notes that this is an issue on which the Senate Judiciary Committee has supported LULAC in the past.

Chair of the **United States Hispanic Chamber of Commerce**, Elizabeth Lisboa-Farrow, describes Mr. Estrada's nomination as a "historic event [representing] one more important step in the breaking down of barriers that in the past made it difficult, if not impossible, for Hispanic lawyers to become judges." Describing his extraordinary experience and qualifications, Ms. Lisboa-Farrow concludes that Mr. Estrada would make a "superb judge" and would be a "credit to the federal judiciary, the President, Hispanics, and all Americans." On behalf of the **Hispanic Business Roundtable**, President Mario Rodriguez refers to Mr. Estrada as "a brilliantly talented and accomplished attorney who will make an outstanding addition to the prestigious D.C. Circuit. From his humble beginnings as an immigrant from Honduras who achieved a stellar academic career at Columbia University and Harvard Law School, to his varied and impressive achievements at the Justice Department and private firms, Mr. Estrada has shown himself to be of superior talents and accomplishments. I am confident that this first Hispanic member of the D.C. Circuit will continue to lead a distinguished career with thoughtful and fair decisions."

### **A Commitment to Public Service**

Perhaps because of his own inspiring history of overcoming obstacles, Miguel Estrada has chosen to devote much of his legal career to using the law to better the lives of his fellow citizens. He recognizes that those who have succeeded have an obligation to give something back to the communities that made their success possible. As a federal judge, Mr. Estrada would continue to act on this commitment by ensuring that all parties who come before him and his colleagues on the bench are treated in a fair and impartial manner.

In 1998, Mr. Estrada agreed to represent a capital-murder convict in his death-row appeal before the Supreme Court. Mr. Estrada represented Tommy David Strickler—who was convicted of abducting a college student from a shopping center and murdering her—without charge. He argued that the defendant was entitled to a new trial because the initial proceedings were unfair: the prosecution had withheld evidence that could have raised questions about a key eyewitness's credibility.

Mr. Estrada's co-counsel in the case, Barbara Hartung, was profoundly impressed with his legal abilities, as well as his ability to work with people from all points on the political spectrum. As a result, she predicted, Mr. Estrada "*would treat all his cases in a very thorough and fair manner.*"

Ms. Hartung has since written a letter to the Senate Judiciary Committee, in which she noted that: "*Miguel values highly the just and proper application of the law.... Miguel's respect for the Constitution and the law may explain why he took on Mr. Strickler's case, which at the bottom concerned the fundamental fairness of a capital trial and death sentence.... I should note that Miguel and I have widely divergent political views and disagree strongly on important issues. However, I am confident that Miguel Estrada will be a distinguished, fair and honest member of the federal appellate bench.*"

While working in the Department of Justice under President Clinton, Mr. Estrada also demonstrated his ability to uphold the law and pursue fairness in a case related to the difficult and controversial issue of abortion. As an Assistant to the Solicitor General, Mr. Estrada successfully persuaded the Supreme Court (in a 9-0 decision) to hold that the Racketeer Influenced and Corrupt Organizations Act could be used to punish pro-life activists who engage in violent protests outside abortion clinics. The National Organization for Women has called this case “our landmark lawsuit in which a unanimous jury declared [the defendant] guilty of racketeering and NOW won the first-ever nationwide injunction against antiabortion extremists.” It was Mr. Estrada’s successful arguments before the Supreme Court that set the stage for this “landmark” victory for the NOW

Mr. Estrada recognizes that the law exists to protect the poor and weak as much as the rich and powerful. That’s why he has sought to protect the rights and safety of law-abiding citizens living in poor, urban communities suffering from gang violence and drug trafficking. In a series of cases, Mr. Estrada represented cities such as Chicago in defense of their anti-gang and anti-drug ordinances. Though the Supreme Court struck down one of these laws, it is widely recognized that anti-loitering statutes are an important tool for combating the scourge of urban gang activity, and in protecting the safety of low-income minorities who tragically make up a disproportionate share of the victims of these crimes.

According to Chicago Mayor Richard Daley, who was the driving force behind his city’s anti-gang ordinance, the law was designed to improve the lives of inner-city residents. *“It is the average person on a block; it’s a senior citizen; it’s an eight-year-old girl going to school or trying to get to the bus stop, or someone trying to go to the store. They can’t go there. The gangs and drug dealers own the corner. And that’s what this is all about.”* 74-year-old Chicago resident Emmett More knows the truth of the Mayor’s words. After his house was sprayed with bullets during a recent gang turf war, he wondered: *“The constitution is supposed to protect my rights too. What’s a more basic right than feeling safe on my property or being able to walk on my street?”* In defending the anti-loitering ordinances, Mr. Estrada demonstrated his willingness to protect the rights of all citizens to live without fear of violence, regardless of their racial or economic backgrounds. He will bring the same commitment to even-handedness to the D.C. Circuit.

## **Confirm Miguel Estrada now!**

Miguel Estrada is an American success story and a role model—not only for Hispanics, but for all immigrants who come to America, and indeed for all Americans who aspire to a better life for themselves and their families. Mr. Estrada has had to overcome many obstacles to get where he is today: a prominent lawyer, public servant, Supreme Court clerk, and Ivy League alumnus. But in spite of, and maybe even because of, his success, he has dedicated himself to serving the community that made his achievements possible. Mr. Estrada’s remarkable academic achievements, successful legal career, and proven commitment to public service make him a particular source of pride in the Hispanic community. Although recent years have seen Hispanics make unprecedented economic, political, and social gains, no Hispanic has ever sat on the D.C. Circuit. The time has come for yet another barrier to fall.

## ***Unanimous “well qualified” rating***

**American Bar Association**

***“The challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need.”***

**Ronald A. Klain, former Vice President Gore’s Chief of Staff**

### **Partial list of the groups have announced their support For Mr. Estrada’s nomination:**

- League of the United Latin American Citizens (LULAC)
- U.S. Hispanic Chamber of Commerce
- Hispanic National Bar Association
- Hispanic Business Roundtable
- The Latino Coalition
- National Association of Small Disadvantaged Businesses
- Mexican American Grocers Association
- ATL, Inc.
- PlastiComm Industries, Inc.
- Phoenix Construction Services
- Hispanic Chamber of Commerce of Greater Kansas City
- eHEBC Hispanic Engineers Business Corporation
- Hispano Chamber of Commerce de Las Cruces
- Casa del Sinaloense
- Republican National Hispanic Assembly
- Hispanic Engineers Business Corporation
- Hispanic Contractors of America, Inc.
- Charo – Community Development Corporation